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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AUGUST IMAGE, LLC, a New York
Limited Liability Company,
Plaintiff,

v.

BOOHOO.COM USA, INC., a Delaware
Corporation; and DOES 1-10,
Defendants.

Case No.

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

Plaintiff August Image, LLC, through counsel, hereby prays to this
honorable Court for relief based on the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*

2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331, 1338(a)-(b).

3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and 1400(a) because a substantial part of the acts and omissions giving rise to the claims occurred in this judicial district.

PARTIES

4. August is a New York limited liability company with its principal place of business located at 793 Broadway, New York, NY 10003. August, a full-service rights managed collection, represents an elite group of portrait, lifestyle, beauty, and fashion photographers for editorial and commercial licensing. As the exclusive publisher, administrator, and syndicator of the photographs at issue in this case and the copyrights therein, August is entitled to institute and maintain this action under 17 U.S.C. § 501(b).

5. Defendant BOOHOO.COM USA, INC. is a Delaware corporation with its principal place of business located at 8431 Melrose Place, West Hollywood, CA 90069. BOOHOO owns, operates, and/or controls the commercial websites boohoo.com, instagram.com/boohoo, and their related/affiliated subdomains, mobile websites, social media pages, and applications (collectively, “BOOHOO’S Website”).

6. On information and belief, Plaintiff alleges that Defendants DOES 1 through 10 (collectively, “DOE Defendants”) (altogether with BOOHOO, the “Defendants”), are other parties not yet identified who have infringed Plaintiff’s copyrights, have contributed to the infringement of Plaintiff’s copyrights, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual or otherwise, of DOE Defendants are presently unknown to Plaintiff, which therefore sues said DOE Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

7. On information and belief, Plaintiff alleges that each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants, and was at all times acting within the scope of such agency, affiliation, alter-ego relationship, and/or employment; and actively participated in, subsequently ratified, and/or adopted each of the acts

or conduct alleged, with full knowledge of each violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants, and Each)

8. August represents elite portrait, lifestyle, beauty, and fashion photographers for editorial and commercial licensing. One of August's photographers created an original photograph registered with the U.S. Copyright Office (collectively, the "Subject Photograph").

9. Following the publication and display of the Subject Photograph, Defendants (and each of them) displayed, reproduced, distributed, and/or otherwise exploited verbatim copies of the Subject Photograph on BOOHOO'S Website for commercial purposes without a license, authorization, or consent from August (collectively, the "Accused Post").



1 Photograph, the exact sum to be proven at the time of trial; or, if
2 elected, statutory damages as available under 17 U.S.C. § 504;

3 b. That Plaintiff be awarded its costs and fees under 17 U.S.C. § 505;

4 c. That Plaintiff be awarded pre-judgment interest as allowed by law;

5 d. That Plaintiff be awarded such further relief as the Court deems
6 proper.

7 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ.
8 P. 38 and the 7th Amendment to the United States Constitution.

9
10 Dated: August 10, 2023

DONIGER / BURROUGHS

11 By: /s/ Stephen M. Doniger
12 Stephen M. Doniger, Esq.
13 Benjamin F. Tookey, Esq.
14 Attorneys for Plaintiff
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